

Notice of Allowability

Application No.

10/740,071

Examiner

Michael W. Talbot

Applicant(s)

FABEL ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 15 November 2007.
2. ☒ The allowed claim(s) is/are 2 and 4-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jon A. Gibbons on 15 November 2007.

The application has been amended as follows:

Claims:

(1) The dependency for claims 4-8, 12 and 14 have been changed from "The mailing form of claim 3" so as to read --The mailing form of claim 2--.

(2) Claim 14, line 2, the word "bottom" has been changed to "top" within the phrase "at least one area of the first side of the bottom ply" so as to read --at least one area of the first side of the top ply--.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

Claims 2 and 4-14 are allowed.

Claim 2 is the sole independent claim.

3. Regarding claim 2, the prior art of record fails to anticipate or make obvious a mailing form comprising (1) "a first perforation along a top margin of the top ply and the bottom ply, wherein when the mailing form is in folder configuration, the document information is firmly situated within the mailing form" and (2) "a second perforation along a bottom margin of the top ply and the bottom ply, such that the first perforation and the second perforation can be torn when the mailing form is in folder configuration, such that the mailing form can be unfolded

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along the horizontal fold line", solely or in combination, with a mailing form having a bottom ply with a first and second side, a top ply with a first and a second side, wherein the second side of the top ply is located over and facing the first side of the bottom ply, an adhesive interspersed between at least a portion of the first side of the bottom ply and at least a portion of the second side of the top ply, a removable portion of the bottom ply extending over the second side of the top ply, document information printed on at least a portion of the first side of the top ply, a vertical fold line for folding after removable portion of bottom ply has been removed away from the top ply, a horizontal strip located on the second side of the top ply including adhesive that is exposed after the mailing form is folded along the vertical fold line, a horizontal fold line for folding after being folded along the vertical fold line wherein the adhesive of the horizontal strip secures the mailing form when folded along the horizontal fold line, and wherein the document information is firmly situated within the mailing form when the mailing form is in a completed folded configuration.

Volkert '495 is the closest art of record.

Volkert '495 discloses in Fig. 1,20-23 and in Attachment I, a form (99) comprising a bottom ply (15); an adhesive (119) interspersed between at least a portion of a first side (not shown) of the bottom ply (15) and at least a portion of a second side of the top ply (not shown); a top ply (17) located on top of the bottom ply (15); a removable portion (15a of the web shown in Fig. 20) of the top ply (15) extending over a first side (extension of web) of the top ply, such that removal exposes adhesive (on the bottom ply (17); a vertical fold line (105) securing the form when folded (see Fig. 21 and 22); a horizontal strip (121) having adhesive (119, as shown in Fig. 21 and 23) on a first side of the bottom ply (17); a horizontal fold line (103) for folding the form that has been folded along the vertical fold line (105); the adhesive (119) securing the mailing form along the horizontal fold line (see Fig. 23); wherein the information is capable of

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being situated within the mailing form (col. 16, lines 32-50). Furthermore, it would have been obvious to place the indicia at any desired location, since it has been held that rearranging parts of an invention involves only routine skill in the art. Therefore, it would have been obvious to place the indicia at any desired location since applicant has not disclosed the criticality of having the indicia at a particular location, and would function equally as well at any location.

Volkert '495 lacks a mailing form comprising (1) "a first perforation along a top margin of the top ply and the bottom ply, wherein when the mailing form is in folder configuration, the document information is firmly situated within the mailing form" and (2) "a second perforation along a bottom margin of the top ply and the bottom ply, such that the first perforation and the second perforation can be torn when the mailing form is in folder configuration, such that the mailing form can be unfolded along the horizontal fold line".

Although it is well known to have perforation lines located on a mailing form, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one having ordinary skill in the art to so modify the teachings of Volkert '495, noting that in Volkert '495, the top ply and bottom ply do not have any perforation lines, let alone a first perforation along a top margin of the top play and the bottom ply and a second perforation along the bottom margin of the top ply and the bottom ply such that the first perforation and the second perforation can be torn when the mailing form is in folder configuration. Furthermore, the addition of perforation lines to create a removable section located specifically at the top and bottom margins of both the top and bottom ply would serve no functional purpose towards the intended use of the Volkert '495 invention. Thus, for at least the foregoing reasons, the prior art of record neither anticipates nor rendered obvious the present invention as set forth in independent claim 2.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT
Examiner
15 November 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER

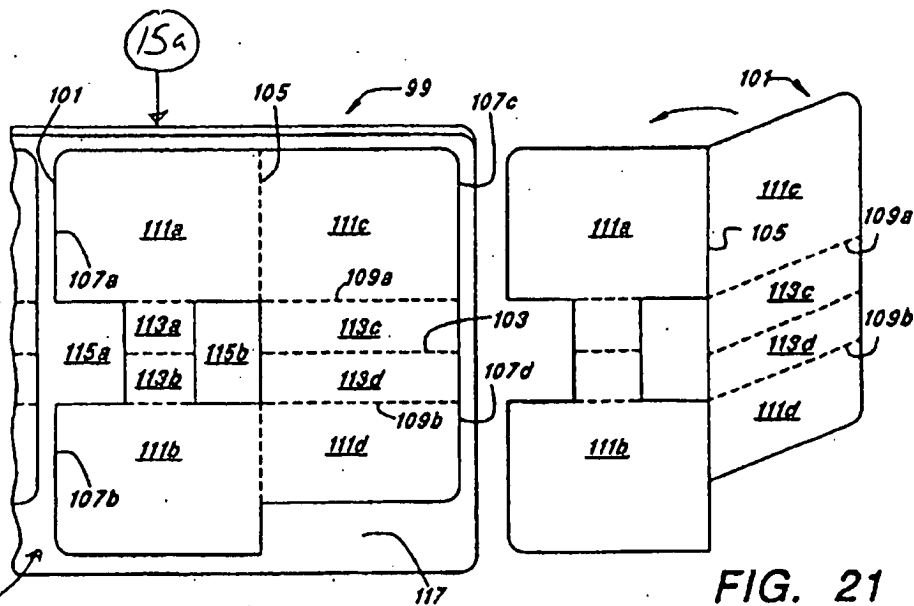


FIG. 20

FIG. 21

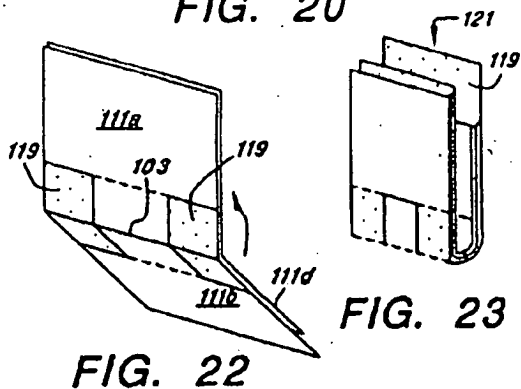


FIG. 22

FIG. 23

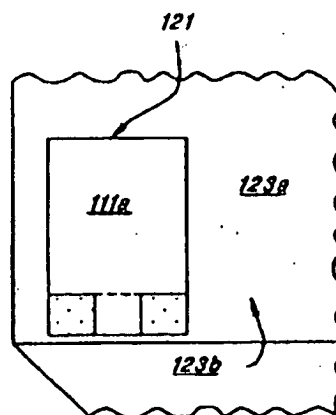


FIG. 24

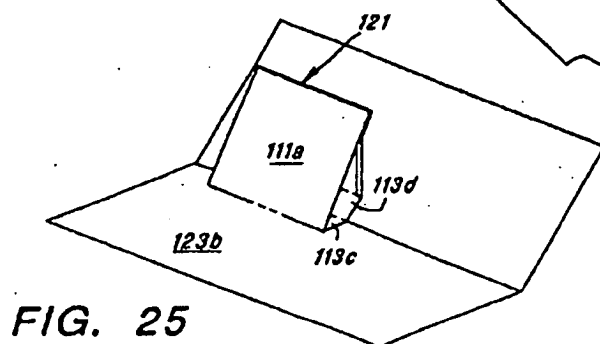


FIG. 25